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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN COTTMAN,

Defendant.

Case No.: 2:10-cr-00417 KJD-VCF

**STIPULATION TO CONTINUE
HEARING ON REVOCATION OF
SUPERVISED RELEASE**

(TENTH REQUEST)

COME NOW the Defendant, Benjamin Cottman, by and through his counsel, Lisa Rasmussen, and the United States of America, by and through its counsel, Assistant United States Attorney Allison Reese, and hereby stipulate as follows:

1. Mr. Cottman's hearing on the revocation of his supervised release is presently scheduled to be heard by the district court on February 9, 2021.

2. Mr. Cottman was scheduled to be sentenced in his other case, , United States v. Benjamin Cottman, 2:18-cr-00219 JCM-DJA, on January 29, 2021, pursuant to a court order issued on November 20th, when Mr. Cottman did not waive his right to be present for the sentencing hearing.

STIPULATION TO CONTINUE HEARING ON REVOCATION OF SUPERVISED RELEASE (TENTH REQUEST) - 1

1 3. On December 1, 2020, Mr. Cottman requested that the undersigned
2 withdraw from his case pending before Judge Mahan. The undersigned filed the
3 requested motion on that date and Judge Mahan granted the motion December 2, 2020.

4 4. Mr. Cottman's new attorney, Kevin Stolworthy, filed a motion to
5 determine mental competency and he requested a mental health and/or psychological
6 evaluation on January 15, 2021. This caused the sentencing date in that case to be
7 continued to April 30, 2021.

8 5. Both Mr. Cottman and the government agree that it makes the most sense
9 to permit Mr. Cottman to get sentenced in the other case prior to having a hearing on
10 the revocation in this case. It is possible that the parties can reach an agreement in this
11 case once Mr. Cottman is sentenced in the other case. If not, we can proceed with the
12 hearing in this case following his sentencing in the other case.

13 6. Mr. Cottman is in custody and is not prejudiced by waiting to have the
14 revocation hearing in this matter moved to a date after April 30, 2021.

15 7. Although there have been several prior stipulations to continue this
16 matter, some prior to the undersigned coming in as counsel, this stipulation is not made
17 for the purpose of delay, rather it is more practical to hold the sentencing hearing in the
18 other case first, and then have the revocation hearing in this case.

19 8. The sentence imposed in the other case could potentially factor into any
20 decision the parties may make about a stipulated revocation term, or, alternatively, it
21 could factor into any decision this court may make absent a stipulation.

22 9. There are several deadlines for the evaluations to be conducted in Mr.
23 Cottman's other case. And, as noted, his sentencing hearing is presently rescheduled
24 for April 30, 2021. Out of an abundance of caution and in the event some of those
25 deadlines get extended, the parties recommend that this Court reset the revocation
26 hearing to a date not too close to the April 30, 2021 hearing, but rather that a date later

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28 STIPULATION TO CONTINUE HEARING ON REVOCATION OF SUPERVISED RELEASE (TENTH
REQUEST) - 2

1 in May 2021 might avoid the need to continue this revocation proceeding again.

2 Accordingly, the parties stipulate to continue the revocation hearing to a date
3 after April 30, 2021, preferably later in May 2021.

4 Dated this 5th day of February, 2021.

5
6 **The Law Offices of Kristina**
7 **Wildeveld & Associates,**

8 */s/ Lisa A. Rasmussen*

9
10 By: Lisa A. Rasmussen, Esq.
11 Counsel for Benjamin Cottman

Nicholas Trutanich
United States Attorney,

/s/ Allison Reese

By: Allison Reese, AUSA
Counsel for the United States

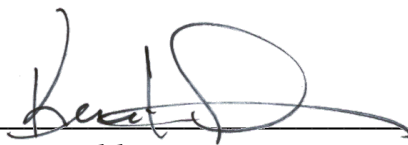
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17 **ORDER**

18 Upon the Stipulation of the parties, and good cause appearing,

19 IT IS HEREBY ORDERED that the hearing on the revocation of supervised
20 release presently scheduled for February 9, 2021 is hereby vacated and rescheduled
21 for the 18th day of May, 2021 at 9:00 a.m. in courtroom 4A.

22 It is so ordered.

23 Dated: 2/5/2021

24 
25 The Honorable Kent J. Dawson
26 United States District Judge